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09/844,997	04/27/2001	Shoji Kurakake	10745/14	1384
7590	02/23/2005		EXAMINER	
Tadashi Horie Brinks Hofer Gilson & Lione P.O. Box 10395 Chicago, IL 60610			OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/844,997	KURAKAKE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ramy M Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 29 October 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) 1 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This communication is responsive to the amendment filed on October 29, 2004. Applicant amended claims 1-4,6,7,9,15 and 16. Claims 10-14 and 17-20 were cancelled. Claims 21-32 were added. Claims 1-32 are pending.

### ***Claim Objections***

2. Claim 1 objected to because of the following informalities:

On line 3, change “connect a network” to “connect to a network”.

On line 7, change the comma “,” to a semi-colon “;”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation “according to a task” performed by the device, is a broad limitation and will be broadly interpreted to mean a connection task.

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5. Claims 3-5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The limitations for storing a key lacks functionality. Applicant fails to indicate what the purpose of the keys are.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1,2,6-8,21,22 and 26-28 rejected under 35 U.S.C. 102(b) as being anticipated by Norris (US Patent No 5,557,748).**

8. In reference to claim 1, Norris teaches a communication system that utilizes a plurality of network-access measures comprising:

a communication device operable to connect a network using at least one of the plurality of network-access measures (column 2 lines 115 and column 3 lines 49-65);

a server operable to connect to the communication device to provide the communication device with available network-access measures (column 3 lines 49-65 and column 6 lines 4-15);

wherein the server determines the available network-access measures for a location of the communication device and the communication device is configured to select at least one of the available network-access measures according to a task that the communication device performs (column 4 lines 1-5, column 6 lines 4-15 and column 7 lines 25-40).

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9. In reference to claim 2, Norris teaches the communication system of claim 1 wherein the server comprises:

a database to store the plurality of network-access measures (column 3 line 50 – column 4 lines 5 and column 5 lines 23-36); and

an informing device to inform the communication device of a search result of the available network-access measures (column 4 lines 30-50 and column 5 lines 50-60).

10. In reference to claim 6, Norris teaches the communication system of claim 2 wherein the server further comprises:

an update mechanism to update information regarding the available network- access measures when the communication device changes its location (column 4 lines 1-12, Norris teaches dynamic configurations);

wherein the informing device further informs the communication device of the updated available network-access measure information (column 4 lines 30-67 and column 5 lines 1-10 & 23-37).

11. In reference to claim 7, Norris teaches the communication system of claim 1 wherein the server comprises:

an update mechanism to update information regarding the available network- access measures when the communication device changes its location (column 4 lines 1-12); and

an informing device for informing the communication device of the updated available network-access measure information (column 4 lines 30-67 and column 5 lines 1-10 & 50-67).

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12. In reference to claim 8, Norris teaches the communication system of claim 1 wherein the communication device is operable to obtain communication software programs (column 3 lines 49-65).

13. In reference to claim 21, Norris teaches a communication system that utilizes a plurality of network-access measures comprising:

a communication device operable to connect a network using at least one of the plurality of network-access measures (column 2 lines 115 and column 3 lines 49-65);

a server operable to connect to the communication device to provide the communication device with available network-access measures (column 3 lines 49-65 and column 6 lines 4-15);

wherein the communication device connects to the server by using a default-access measure for query of the available network-access measures at the server and the communication device is configured to select at least one of the available network-access measure according to required networking qualities (column 4 lines 1-5, column 6 lines 4-15 and column 7 lines 25-40).

14. In reference to claim 22, Norris teaches the communication system of claim 21 wherein the server comprises: a database to store the plurality of network-access measures (column 3 line 50 – column 4 lines 5 and column 5 lines 23-36); and an informing device to inform the communication device of a search result of the available network-access measures (column 4 lines 30-50 and column 5 lines 50-60).

15. In reference to claim 26, Norris teaches the communication system of claim 22 wherein the server further comprises:

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an update mechanism to update information regarding the available network-access measures when the communication device changes its location (column 4 lines 1-12, Norris teaches dynamic configurations);

wherein the informing device further informs the communication device of the updated available network-access measure information (column 4 lines 30-67 and column 5 lines 1-10 & 23-37).

16. In reference to claim 27, Norris teaches the communication system of claim 21 wherein the server comprises:

an update mechanism to update information regarding the available network-access measures when the communication device changes its location (column 4 lines 1-12); and an informing device for informing the communication device of the updated available network-access measure information (column 4 lines 30-67 and column 5 lines 1-10 & 50-67).

17. In reference to claim 28, Norris teaches the communication system of claim 21 wherein the communication device is operable to obtain communication software programs (column 3 lines 49-65).

#### ***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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19. **Claims 3-5 and 23-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent No 5,557,748) in view of Ginzboorg et al (US Patent No 6,047,051).**

20. In reference to claims 3-5 Norris teaches the system of claim 2 above. Norris fails to explicitly teach wherein the database further stores authentication-key information, from a service provider and informs the communication device. However, Ginzboorg teaches a service provider sending keys to a server for storage and transmittal to customer terminals (mobile terminals) for the purpose of authorizing certain terminals for network access (column 4 lines 1-25 and column 14 lines 45-67).

It would have been obvious for one of ordinary skill in the art to modify Norris by providing keys to the communication devices as per the teachings of Ginzboorg for the purpose of authorizing certain terminals for network access.

21. In reference to claims 23-25 Norris teaches the system of claim 22 above. Norris fails to explicitly teach wherein the database further stores authentication-key information, from a service provider and informs the communication device. However, Ginzboorg teaches a service provider sending keys to a server for storage and transmittal to customer terminals (mobile terminals) for the purpose of authorizing certain terminals for network access (column 4 lines 1-25 and column 14 lines 45-67).

It would have been obvious for one of ordinary skill in the art to modify Norris by providing keys to the communication devices as per the teachings of Ginzboorg for the purpose of authorizing certain terminals for network access.

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**22. Claims 9,15 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent No 5,557,748) in view of Minear et al (US Patent No 6,721,578).**

23. In reference to claim 9, Norris teaches the communication system of claim 8. Norris fails to explicitly teach wherein the server provides the communication software programs to the communication device. However, Minear teaches a server providing interactive software (communication software) to a wireless device for facilitating network access (Abstract and column 3 line 55 – column 4 line 15).

It would have been obvious for one of ordinary skill in the art to modify Norris by making the server provide the communication software programs to the communication device as per the teachings of Minear so as to facilitate network access.

24. In reference to claim 15, Norris teaches the communication system of claim 1. Norris fails to explicitly teach wherein the server further comprises an information server and a download server, wherein the information server provides information to the communication device concerning information of the download server for downloading at least one software programs from the download server. However, Minear teaches a server providing interactive software (communication software) to a wireless device for facilitating network access to an application download server (column 1 line 65 – column 2 line 50, column 2 lines 16-30 and column 4 line 60 – column 5 line 20).

It would have been obvious for one of ordinary skill in the art to modify Norris by making the server further comprises an information server and a download server, wherein the information server provides information to the communication device concerning information of the download server for downloading at least one software programs from the download server

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as per the teachings of Minear so as to facilitate network access to an application download server.

25. In reference to claim 16, Norris teaches the communication system of claim 15. Norris fails to explicitly teach wherein the download server provides communication software programs to the communication device. However, Minear teaches wherein the application download server provides software to a wireless device (column 1 line 65 – column 2 line 50, column 2 lines 16-30 and column 4 line 60 – column 5 line 20).

It would have been obvious for one of ordinary skill in the art to modify Norris by making the download server provide communication software programs to the communication device as per the teachings of Minear so as to facilitate network access.

26. In reference to claim 29, Norris teaches the communication system of claim 28. Norris fails to explicitly teach wherein the server provides the communication software programs to the communication device. However, Minear teaches a server providing interactive software (communication software) to a wireless device for facilitating network access (Abstract and column 3 line 55 – column 4 line 15).

It would have been obvious for one of ordinary skill in the art to modify Norris by making the server provide the communication software programs to the communication device as per the teachings of Minear so as to facilitate network access.

27. In reference to claims 30 and 31, Norris teaches the communication system of claim 21. Norris fails to explicitly teach wherein the server further comprises an information server and a download server, wherein the information server provides information to the communication

device concerning information of the download server for downloading at least one software programs from the download server. However, Minear teaches a server providing interactive software (communication software) to a wireless device for facilitating network access to an application download server (column 1 line 65 – column 2 line 50, column 2 lines 16-30 and column 4 line 60 – column 5 line 20).

It would have been obvious for one of ordinary skill in the art to modify Norris by making the server further comprises an information server and a download server, wherein the information server provides information to the communication device concerning information of the download server for downloading at least one software programs from the download server as per the teachings of Minear so as to facilitate network access to an application download server.

28. In reference to claim 32, Norris teaches the communication system of claim 31. Norris fails to explicitly teach wherein the download server provides communication software programs to the communication device. However, Minear teaches wherein the application download server provides software to a wireless device (column 1 line 65 – column 2 line 50, column 2 lines 16-30 and column 4 line 60 – column 5 line 20).

It would have been obvious for one of ordinary skill in the art to modify Norris by making the download server provide communication software programs to the communication device as per the teachings of Minear so as to facilitate network access.

***Response to Amendment***

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29. Examiner acknowledges the amendment filed on October 29, 2004. Applicant amended claims 1-4,6,7,9,15 and 16. Claims 10-14 and 17-20 were cancelled. Claims 21-32 were added.

***Response to Arguments***

30. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
February 10, 2005



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